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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,238	10/27/2003	Clifford J. Finn	340543.00003	3744
26710	7590	10/26/2004		
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			EXAMINER	
			BUI, THACH H	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/694,238	FINN, CLIFFORD J.
	Examiner Thach H Bui	Art Unit 3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Information Disclosure Statement*

1. Applicant's prior art citation filed January 28, 2004 has been received, considered and placed of record.

### *Drawings*

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings do not display all the details of the components and/or hard to distinguish one component from another. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "clamp 94 and/or a pinch valve". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5-7, 13-14, 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is vague and indefinite because "fluid flow adjusting means" renders the claim unclear.

Claim 6 is vague and indefinite because "said flow adjusting means is a tubing pinch valve device clamped onto a tube in fluid communication with one of said passages" renders the claim unclear. There is no clear indication of "clamp, 94 and/or a tubing pinch valve device of the multi-component fluid mix ratio check nozzle" in the drawings. See other claims for the same informality.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Standlick (U.S. Patent No. 4,901,888) in view of Capozzi et al. (U.S. Patent No. 5,116,315).

Standlick teaches a multi-component dispensing gun that dispenses fluid components of a multi-component fluid having a fluid passageway for each fluid component dispensed by the gun (see Fig. 2). The dispensing gun includes a body (12) and a fluid flow adjusting means (52) for adjusting the flow of fluid component flowing through one of the fluid component passageways relative to the flow of another fluid component flowing through another of the fluid flow passageways. Standlick has all the features of the invention but Standlick failed to teach a multi-component fluid mix ratio check nozzle for use with a multi-component fluid dispensing gun. Capozzi et al. teach a multi-component fluid mix ratio check nozzle for use with a multi-component fluid dispensing apparatus (14). The nozzle comprises a base (40, 46 and 48) (see Fig. 2) engageable with the multi-component fluid dispensing gun, and at least two hollow extensions extending from the base (38), wherein each of the extensions provides a passageway for at least one of the fluid components of the multi-component fluid without mixing with other fluid components of the multi-component fluid. The multi-component fluid mix ratio check nozzle (14, Capozzi et al.) is detachably fixable to the gun and the base (40, 46 and 48) defines an inlet chamber upstream of the extensions, and a wall extends through the inlet chamber to prevent mixing of all of the fluid components passing through the inlet chamber into each of the extensions (see Fig. 2, Capozzi et al.) It would have been obvious to one skilled artisan in the art to modify the

teachings of Standlick and combine with Capozzi et al. to have a multi-component fluid mix ratio check nozzle engaged with the outlets of the dispensing gun (22) (see fig. 2, Standlick), as taught by Standlick, to provide a passageway for at least one of the fluid components of the multi-component fluid without mixing with other fluid components of the multi-component fluid in order to determine the mix ratio of the fluid components dispensed by the gun.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.B.  
10/18/2004